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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,392	10/07/2003	Tsutomu Tanaka	D-1494	5457

7590 06/01/2004
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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,392

Applicant(s)

TANAKA, TSUTOMU

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/29/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/679,392, Hook Device, filed on October 7, 2003.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

Drawings

The drawings are objected to because:

In figure 2, "47" should be --46-- and vice versa.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2-6 are objected to because of the following informalities:

In line 1, "A" should be --The--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent number 6,705,579 to Yamada.

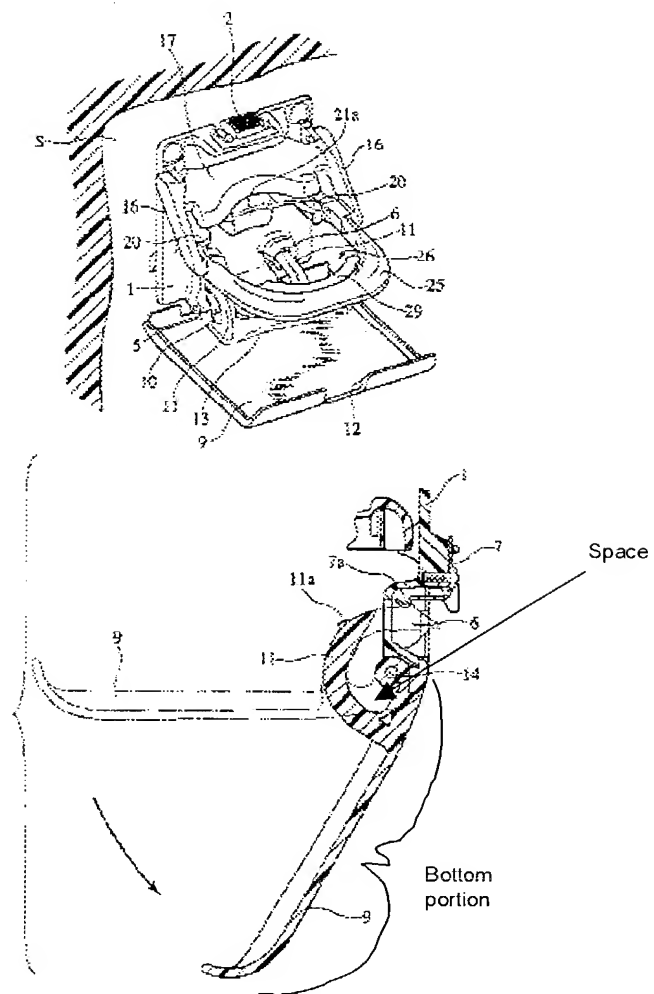


FIG.8A

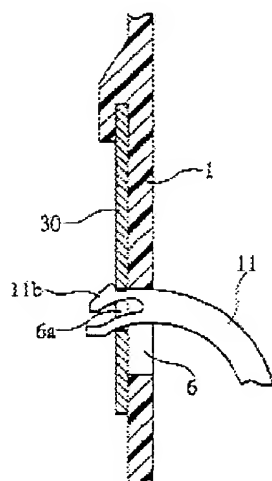
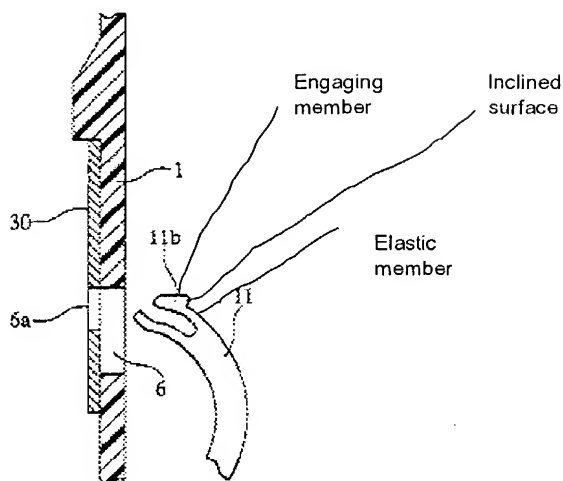


FIG.8B



Yamada '579 discloses a hook device (above, including embodiment of figures 8A,8B) comprising a case member (1) having a stopping portion (30,6a), a hook main portion (9, generally, a "hook" is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as being "a curved or bent device for... holding," so clearly, member 9 is considered a "hook main portion") disposed in the case member (members 11 go through the case, so the hook main portion is considered "in" the case member) to be rotatable between store and use positions and having an elastic member (above), and an engaging portion (above) attached to the elastic member of the hook main portion to engage the stopping portion so that the hook main portion is stopped at a use position (as in figure 3) with a predetermined open angle, wherein at least one of the stopping and engaging portion has an inclined surface (above) so that the elastic member elastically deforms in a direction that the stopping portion further engages the engaging

portion when a load is applied to the hook main portion in a direction that the hook main portion opens (this inherently happens with reference to figure 8A above), wherein further, as the elastic member deforms, the stopping portion moves away from the engaging portion when a load is applied to the hook main portion in a direction that the hook main portion opens (with reference to figure 8B, it is inherently obvious that as the main portion opens more, the stopping portion moves away from the engaging portion), wherein the device includes urging means (15) attached to the case member (see figure 6, 14 is considered part of the case member) for urging the hook main portion in a direction that the hook main portion opens, and a latch mechanism (2,12) for holding the hook main portion at a predetermined store position (as in figure 6) against an urging force of the urging means, wherein the stopping portion is located at a rear side of the of the case member (see figure 8A,8B above) and the hook main portion has a bottom portion (above) from which the elastic member projects rearwardly and upwardly, wherein the hook main portion has a space (above) between the bottom portion and the elastic member so that the elastic member is deformable toward the bottom portion (inherently).

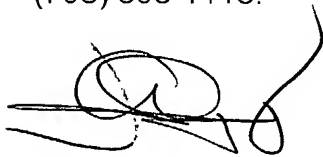
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dabringhaus et al. '722, Turner '742, Truax '992, Andrews '049, Takemura et al. '028, Sandhu et al. '594, Siniarski '687, Kaupp et al. '886, Gordon '067 and Choi '325 divulge various devices pivotable into case members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a long horizontal line extending to the left.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
May 27, 2004